

1. (Amended) A visual indicia for facilitating computer based access of a network by a consumer, comprising:

a machine readable code disposed on a surface having encoded therein information as to a product or a service, which machine readable code has no routing information contained therein to allow a user to access any location on a network; and

a visual indicia disposed on said surface in proximity to said machine readable code and indicative of a relationship between said machine readable code and the presence of a location on a network and that such location on the network can be accessed by a computer having an appropriate input device for reading said machine readable code, such that reading of said machine readable code by said input device will connect the computer to the location.

REMARKS

Applicants have carefully reviewed the Office Action dated March 12, 2002. Applicants have amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Regarding Claim 1, rejected under 36 U.S.C. Sec. 102(e) as being anticipated by U.S. Pat. No. 6,064,979, *Perkowski*, this rejection is respectfully traversed. *Perkowski* does not teach the invention as claimed for the following reasons. First, it is asserted that the first element of Applicants' Claim 1 ("a machine readable code . . . which . . . has no routing information contained therein . . .") is disclosed at Col. 10, lines 14-33 of the reference. This element is not disclosed in the cited passage, nor anywhere else in the reference. Moreover, the statement: "UPC or UPN has no routing information," which is attributed to the cited passage, does not appear there at all and would seem to be contributed from some source external to the cited reference.

Second, the second element of Applicants' Claim 1 reads as follows:

AMENDMENT AND RESPONSE
S/N 09/382,421
Atty. Dkt. No. PHL-24,740

a visual indicia disposed on said surface indicative of a relationship between said machine readable code and the presence of a location on a network and that such location on the network can be accessed by a computer having an appropriate input device for reading said machine readable code, such that reading of said machine readable code by said input device will connect the computer to the location.

Perkowski does not disclose “visual indicia . . . on said surface [*which indicates*] a relationship between said machine readable code and the presence of a location on a network.” It is not sufficient to cite “a relationship between . . . a location (*Perkowski*, URL)” and an “input device (*Perkowski*, bar code reader or scanner)” because these phrases are an incomplete and inaccurate paraphrasing of the structure recited in the entire subparagraph of Claim 1.

Further, in the passage cited in the *Office Action* on pages 2 and 3, Col. 10, lines 14-33, *Perkowski* describes his client system as including a “visual display screen . . . for viewing product and service related information automatically displayed thereon in response to the entry of the USPN information [i.e., UPC symbols] scanned into the system” using “an integrated bar code reader.” See Col. 10, lines 26-32. This visual display screen is used to provide display of information during use of the GUI of the web browser of *Perkowski's* system. Applicants’ visual indicia as defined in Applicants’ Claim 1 does not read upon *Perkowski's* visual display because it is different in both character and purpose.

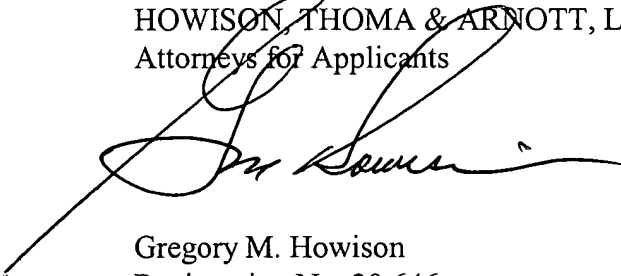
Summarizing, Applicants’ Claim 1 recites a visual indicia for facilitating computer based access of a network by a consumer comprising a combination of a machine readable code and a visual indicia disposed on a surface. *Perkowski* neither discloses a visual indicia as defined in Claim 1 nor the combination of the machine readable code and the visual indicia as defined in Claim 1. Applicants therefore respectfully request the withdrawal of this rejection.

Regarding Claims 2-6, 8 and 9, which depend directly or ultimately from Claim 1 and thus include the combination shown hereinabove to be patentably distinct from the cited reference, the rejection is mooted and the Applicants respectfully request its withdrawal.

Regarding Claim 7, rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over *Perkowski*, this rejection is respectfully traversed by pointing out that Claim 7 depends ultimately from Claim 1 which includes the combination shown hereinabove to be patentably distinct from the cited reference in the respects discussed. This fact is not changed by the further limitation recited in Claim 7. Therefore Applicants respectfully request the withdrawal of this rejection.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,740 of HOWISON, THOMA & ARNOTT, L.L.P.

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AMENDMENT AND RESPONSE
S/N 09/382,421
Atty. Dkt. No. PHLY-24,740



VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A visual indicia for facilitating computer based access of a network by a consumer, comprising:

5 a machine readable code disposed on a surface having encoded therein information as to a product or a [surface] service, which machine readable code has no routing information contained therein to allow a user to access any location on a network; and

10 a visual indicia disposed on said surface in proximity to said machine readable code and indicative of a relationship between said machine readable code and the presence of a location on a network and that such location on the network can be accessed by a computer having an appropriate input device for reading said machine readable code, such that reading of said machine readable code by said input device will connect the computer to the location.